

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BRONNIE MATHEWS,)	
)	
Plaintiff,)	
)	Case No.:
)	(Removal from the Circuit Court of
)	St. Louis County)
vs.)	
)	JURY TRIAL DEMANDED
DOLLAR TREE STORES, INC.)	
)	
Defendant.)	

DEFENDANT FAMILY DOLLAR STORES, INC.’S
NOTICE OF REMOVAL

COMES NOW Defendant Dollar Tree Stores, Inc. (“Dollar Tree”), and, pursuant to 28 U.S.C. §1441, hereby gives notice of its removal of the above-styled matter from the Circuit Court of St. Louis County, Missouri to the United States District Court, Eastern District of Missouri. In support of its removal, Defendant Dollar Tree states as follows:

1. On November 16, 2022, Plaintiff commenced a civil action in the Circuit Court of St. Louis County, Missouri, Case No. 22SL-CC04869 (“state court action”).
2. Pursuant to 28 U.S.C. §1446(a), venue is proper in the United States District Court for the Eastern District of Missouri, Eastern Division, because St. Louis County, Missouri is within the Eastern District of Missouri.
3. Plaintiff Bronnie Mathews is a resident of St. Louis County, Missouri, and a citizen of the State of Missouri. Petition, ¶ 1.
4. Defendant Dollar Tree Stores, Inc. is a Virginia corporation with its principal place of business in Virginia; thus, it is a citizen of the State of Virginia. *Hammond v. Patterson Auto Sales, Inc.*, 2014 U.S. Dist. LEXIS 161065, *4 (Mo. App. E.D., Nov. 17, 2014).

5. Accordingly, this Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332(a) and removal to this Court is proper pursuant to 28 U.S.C. §1441(b)(2) because none of the Defendants are a citizen of the State of Missouri, and there is complete diversity between all parties.

6. The monetary jurisdictional prerequisite to federal jurisdiction under 28 U.S.C. §1332(a) is also satisfied. Given the allegations in the Petition, the amount Plaintiff has put in controversy, exclusive of interest and costs, exceeds \$75,000.00.

7. Plaintiff alleges to have sustained personal injury as a result of the condition of Defendant's premises, namely the location of a metal shelving rod. Petition, ¶¶ 6-11. Plaintiff specifically alleges to have sustained a "laceration to her lower eyelid, comminuted fracture of the inferior orbit and medial orbit wall and injury to the ethmoid bone, with initial loss of vision and headache." Petition, ¶ 12. Plaintiff claims damages in the form of lost wages, medical expenses, loss of future earnings, and pain and suffering. Petition, ¶ 13.

7. Thus, consistent with 28 U.S.C. §1446(c)(2)(A)(ii) and Missouri Supreme Court Rule 55.05, based on a reasonable reading of the allegations set forth in Plaintiff's Petition, Defendant makes a good faith estimate that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and states that it is not legally certain that the amount in controversy is less than \$75,000.00.

7. Therefore, the state court action is one which may be removed to this Court pursuant to 28 U.S.C. §§ 1332(a) and 1441. Accordingly, this Court has jurisdiction over the parties and subject matter of the state court action.

8. Defendant Dollar Tree was served with Plaintiff's Petition on November 29, 2022. Therefore, pursuant to 28 U.S.C. §1446(b), this Notice is being timely filed within the requisite thirty (30) days from the date Dollar Tree first received a copy of Plaintiff's claims.

10. A copy of all pleadings and papers which have been filed in the state court action are attached hereto as Exhibit 1.

11. Contemporaneous with the filing of this Notice and pursuant to 28 U.S.C. §1446(d), written notice has been mailed to Plaintiff's attorney of record and a copy of the Notice filed with the Clerk of the Circuit Court of St. Louis County, Missouri.

WHEREFORE, Defendant Family Dollar, Inc. hereby requests that the state court action be removed from the Circuit Court of St. Louis County, Missouri to this Court.

Respectfully submitted,

/s/ John J. Gates

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CERTIFICATE OF SERVICE

I do hereby certify that on **December 27, 2022**, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to the e-mail addresses on the electronic mail notice list, and a copy was sent, via electronic mail, to:

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